



#3

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

(Under 37 CFR § 1.63; includes reference to PCT International Applications)

**FROMMER LAWRENCE & HAUG LLP**

File No.: 540541-2029

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

**MODULATED RELEASE PARTICLES FOR AEROSOL DELIVERY,**

the specification of which ☐ is attached hereto  
was filed on February 15, 2001 as ☒ United States Application No. 09/784,670.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)

Application Number:

Filed (Day/Month/Year)

Priority Claimed:

Yes  
☐

No  
☐

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

U.S. Serial No.: Filed (Day/Month/Year) PCT Application No. Status (patented, pending, abandoned)

I hereby appoint Jerome Rosenstock, Registration No. 25,456, Raymond R. Wittekind, Registration No. 27,413, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following correspondence address:

Jerome Rosenstock, Esq.  
c/o FROMMER LAWRENCE & HAUG LLP  
745 Fifth Avenue  
New York, NY 10151


Direct all telephone calls to: (212) 588-0800  
to the attention of: Jerome Rosenstock

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

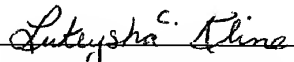
INVENTOR(S):

Signature:  Date: 4/25/01

Full name of sole or first inventor: Yaping Zhu  
Residence: 284 South 10<sup>th</sup> Street, Apt. A, Highland Park, New Jersey 08904  
Citizenship: U.S.A. Chinese

Signature:  Date: 04-25-01

Full name of 2nd joint inventor (if any): Simon G. Stefanos  
Residence: 35 Meadow Bluff Road, Morris Plains, New Jersey, 07950  
Citizenship: U.S.A. France

Signature:  Date: 4/25/01

Full name of 3rd joint inventor (if any): Lukeysa Kline  
Residence: 953 Brightwood Drive, Toms River, New Jersey 08753  
Citizenship: U.S.A.

Signature:  Date: 4/25/01

Full name of 4th joint inventor (if any): Akwete L. Adjei  
Residence: 15 Tillman Court, Bridgewater, New Jersey 08807  
Citizenship: U.S.A.

Post Office Address(es) of inventors [if different from residence]:

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming [or Supporting a Claim by Another for] Small Entity Status" form [e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual Non-Inventor].